

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

WELLS FARGO, N.A.,)
) CIVIL FILE
) NO. 12-CV-2621 (ADM/JJK)
Plaintiff,)
)
vs.)
)
JILL CLARK; JILL CLARK, P.A.; WILL)
McDONALD; JOHN HOFF; and MEGAN)
GOODMUNDSON,)
)
Defendants.)
)
PETER RICKMYER; MORRIS KLOCK;)
JERRY MOORE; JILL CLARK;)
JILL CLARK, P.A.; and)
JILL CLARK, LLC,)
)
Third-Party Plaintiffs,)
)
vs.)
)
HENNEPIN COUNTY DISTRICT COURT;)
ROBERT BLAESER in his individual)
capacity as Presiding Judge of)
Civil; and JOHN DOES 1-10,) Courtroom 13 West
) Friday, January 11, 2013
Third-Party Defendants.) Minneapolis, Minnesota
)

HEARING ON

**DEFENDANTS McDONALD, HOFF, and GOODMUNDSON'S
MOTION TO REMAND
[DOCKET NO. 13]**

**THIRD-PARTY PLAINTIFF RICKMYER'S APPLICATION TO
PROCEED IN FORMA PAUPERIS
[DOCKET NO. 2]**

**THIRD-PARTY PLAINTIFFS' MOTION TO CONSOLIDATE CASES
[DOCKET NO. 28]**

BEFORE THE HONORABLE ANN D. MONTGOMERY
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S :

For **Defendant Will McDonald:**

OFFICE OF THE HENNEPIN COUNTY ATTORNEY

By: JULIE K. BOWMAN
Assistant County Attorney
C-2000 Government Center
300 South Sixth Street
Minneapolis, Minnesota 55487

For **Defendants John Hoff and Megan Goodmundson:**

GODFREAD LAW FIRM

By: PAUL GODFREAD, ESQUIRE
100 South Fifth Street - Suite 1900
Minneapolis, Minnesota 55401

For **Third-Party Plaintiff Peter Rickmyer (limited appearance):**

Peter Rickmyer, *Pro Se*
2118 - 25th Avenue North
Minneapolis, Minnesota 55411

TIMOTHY J. WILLETTE, RDR, CRR, CBC, CCP

Official Court Reporter - United States District Court
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1 (9:30 a.m.)

2 P R O C E E D I N G S

3 I N O P E N C O U R T

4 THE COURT: Good morning. Please be seated.

5 THE CLERK: The matter before the Court is Wells
6 Fargo v. Clark, et al.

7 Counsel, would you please note your appearances
8 for the record.

9 THE COURT: Let's start over here at the
10 plaintiff's table. You're Mr. Rickmyer, I assume.

11 MR. RICKMYER: Peter Rickmyer. My attorney's name
12 is Jill Clark.

13 THE COURT: Okay. The first thing I kind of want
14 to get clear is whether or not you represent yourself since
15 I've read several of the filings that you've signed, or
16 whether Ms. Clark represents you.

17 MR. RICKMYER: What happens --

18 THE COURT: Can I have you step to the lectern.
19 It's just easier for us to get a good record of what you
20 say.

21 MR. RICKMYER: To my knowledge, the defendants
22 knew my attorney was on medical leave and submitted a motion
23 to remand. My attorney was unable to make the proper
24 filings. I then stepped in on a limited-appearance basis to
25 protect my rights to object to the motion to remand. It's

1 also -- it's my understanding that my attorney filed a
2 motion to consolidate with another case that's filed with
3 the federal court.

4 As the Court knows, since I prepared the
5 objections, I'm actually prepared to argue if I need to step
6 in on a limited appearance to argue why it should not be
7 remanded.

8 THE COURT: Okay.

9 MR. RICKMYER: However, I do not waive my right to
10 have the cases consolidated, that Jill Clark still
11 represents me, but certainly my attorney is not here, so I'm
12 ready to proceed on a limited appearance *pro se* to argue
13 this particular motion if need be.

14 THE COURT: Okay. Well, let me just make sure I
15 understand you and be clear.

16 Jill Clark is your attorney. That's true?

17 MR. RICKMYER: Yes.

18 THE COURT: And you do want me to go forward with
19 the motion and hear you today arguing on behalf of your own
20 case, true? You want me to consider and hear your
21 arguments?

22 MR. RICKMYER: Right. What I was trying to say is
23 that the Court has not ruled on whether or not today's
24 motion hearing should go forward in light of the motion to
25 consolidate.

1 THE COURT: Okay. And are you a part of that
2 motion to consolidate? You want this case to await a
3 hearing on the motion to consolidate, or do you want me to
4 consider your motion and the objections that you'd made
5 today?

6 MR. RICKMYER: Well, actually, it's the
7 defendants' motion to remand --

8 THE COURT: Right.

9 MR. RICKMYER: -- and I'm just responding to it.

10 THE COURT: But you filed quite a few things about
11 that motion and I was prepared to hear argument on that
12 today, but I want to make sure that you're okay with arguing
13 that and that Ms. Clark is okay with you arguing that as
14 long as it's on a limited basis.

15 MR. RICKMYER: Well, it's my understanding that my
16 case is also part of that consolidation.

17 THE COURT: Right.

18 MR. RICKMYER: And that this Court hasn't ruled
19 whether or not this hearing should go forward or not. If
20 this Court says regardless of the motion to consolidate
21 we're going to move forward today, then I'm ready to step in
22 on a limited appearance to represent myself for the hearing
23 itself.

24 THE COURT: And Ms. Clark is okay with that, that
25 given those assumptions, that she knows that you're going to

1 appear on a limited basis then today?

2 MR. RICKMYER: Yes. She's aware that I filed some
3 objections and she's aware that I have an understanding of
4 the proceedings today.

5 THE COURT: Because one of the things I want to
6 avoid is getting between you and your attorney in terms of
7 whether I should proceed or not. I want you to have a
8 united position.

9 MR. RICKMYER: Right. It's my understanding that
10 my attorney wishes this case to be consolidated and that
11 it's her wishes not to have this hearing heard today.

12 THE COURT: Okay.

13 MR. RICKMYER: I'm just stating for the record if
14 the Court doesn't rule on the motion to consolidate, then
15 I'm ready to proceed.

16 THE COURT: All right.

17 MR. RICKMYER: Thank you.

18 THE COURT: And I don't think we even got to
19 getting your appearance on the record, so let's note the
20 appearances of the defendant.

21 MR. GODFREAD: Paul Godfread appearing on behalf
22 of John Hoff and Megan Goodmundson.

23 THE COURT: All right.

24 MS. BOWMAN: Julie Bowman, Assistant County
25 Attorney, appearing on behalf of Will McDonald.

1 THE COURT: And McDonald is the moving party with
2 regard to today's motion to remand, as I understand.

3 MS. BOWMAN: Your Honor, the motion is brought on
4 behalf of all three of us.

5 THE COURT: Oh, all of them. All right.

6 MS. BOWMAN: The remaining defendants in this
7 case.

8 THE COURT: All right. Well, as Mr. Rickmyer
9 alluded to, there was very recently filed a motion to
10 consolidate which was just filed yesterday, I believe.

11 MR. RICKMYER: Yes, that would be correct.

12 THE COURT: And do the defendants take any
13 position with regard to the motion to consolidate?

14 MR. GODFREAD: Yes, Your Honor. We believe the
15 motion to consolidate is inappropriate to hear at this time.
16 This case was removed to federal court, at least in the
17 opinion of Hoff and Goodmundson and myself, to merely delay
18 the underlying case which was already scheduled for hearing
19 a motion to dismiss, so we would like to proceed with the
20 remand so that the ultimate determination of that case won't
21 be delayed any further.

22 THE COURT: All right.

23 MS. BOWMAN: Your Honor, may I -- Your Honor, we
24 would object to the motion to consolidate for a couple of
25 reasons.

1 First of all, we were not given notice of it at
2 all until yesterday. I think that there's a rule that
3 requires us to meet and confer, a new local rule.

4 Secondly, we have had this motion scheduled for
5 quite a while for the remand, and if Ms. Clark is clearly on
6 medical leave, I don't know how she had the ability to file
7 the motion to compel yesterday. I think we should -- I
8 would like the Court to move forward with the motion to
9 remand, to hear our arguments, and I'm hoping that if the
10 Court does make a ruling in the defendants' favor to remand,
11 that there's not going to be an opportunity for the
12 plaintiff and his attorney to then say, "Well, we're
13 objecting to that ruling because I wasn't" -- Ms. Clark
14 herself was not here to make the argument on behalf of
15 Mr. Rickmyer.

16 THE COURT: All right.

17 MS. BOWMAN: Thank you, Your Honor.

18 THE COURT: All right. Mr. Rickmyer, we'll hear
19 from you.

20 MR. RICKMYER: Yes. It's interesting to note,
21 with all due respect to the defendants' attorneys, that Jill
22 Clark has been on medical leave till January 7th, which
23 means that she could actually file a motion without
24 violating her doctor's restrictions, and that's all I wanted
25 to point out.

1 Thank you.

2 THE COURT: Well, first of all, with regard to the
3 motion to consolidate, which so that the record stays clear
4 is document 28, it was filed yesterday, January 10th, one
5 day preceding the hearing. It suffers several infirmities
6 under the civil rules, some of them mentioned by
7 Mr. Godfread and Ms. Bowman. It wasn't appropriately
8 noticed, has not been scheduled or gone through the
9 meet-and-confer process or the other legal requirements to
10 be officially before the Court.

11 I don't know that there is anything specifically
12 with regard to Ms. Clark's medical condition that's been
13 filed with regard to this particular case, but I'll assume
14 that she is on medical leave and the ruling is in no way
15 dependent on that understanding.

16 It suffers, as I said, a number of procedural
17 irregularities and is not properly before the Court, so I am
18 not going to consider the motion to consolidate at this time
19 until it is appropriately raised and noticed and put on for
20 hearing, and it will not prejudice the hearing of today's
21 motion, which is a motion to remand.

22 So, at this time I'll hear the defendants in
23 support of the motion to remand that they have filed and
24 noticed some time ago to be heard today.

25 Ms. Bowman?

1 MS. BOWMAN: Thank you, Your Honor.

2 Your Honor, I'm not going to go into a lot of
3 detail for the underlying case, but I think it's very clear
4 that the statute only allows that defendants can remove a
5 case from state court to federal court and that it must be
6 done, that notice to remove must be done within 30 days.
7 This case has been pending in Hennepin County District Court
8 since May 17th of 2011. Needless to say, the 30-day
9 requirement has long since passed.

10 The plaintiffs are the ones that are bringing the
11 motion, it is not the defendants, and this case in Hennepin
12 County has proceeded along with answers to the complaint, to
13 discovery. As a matter of fact, one of the defendants,
14 Michael Browne, has been dismissed, was dismissed in June of
15 2012. A summary judgment motion was scheduled three
16 different times to be heard but was continued by Ms. Clark
17 claiming a medical reason.

18 Then the court, Judge Bush in Hennepin County
19 District Court, continued the original date from July 17th
20 to August 16th and then again to October 10th. With that
21 already being scheduled then, Ms. Clark brought this motion
22 to remove this case to federal court sometime in September.
23 I think the court actually ruled it to be -- the Hennepin
24 County District Court ordered that it be remanded on
25 September 22nd of 2012, again, clearly 30 days past what's

1 required by the statute and again is filed by the plaintiff,
2 not the defendants. I think -- not to make -- I just think
3 it's simply clear by the statute that this matter should be
4 removed back to Hennepin County and that it be continued
5 there to its completion.

6 Thank you, Your Honor.

7 THE COURT: Mr. Godfread, did you want to be heard
8 with regard to your position on the matter?

9 MR. GODFREAD: Yes, Your Honor, just briefly.

10 I think I'd just like to emphasize very briefly
11 that of course the removal is not appropriate for the
12 underlying case with the motion that's brought, but also the
13 petition for removal has a number of other defects. Many if
14 not all the cases are inappropriately removed for the same
15 reason, others don't have -- do not have federal subject
16 matter jurisdiction. I'll just mention the one that
17 involves my client in particular.

18 In the petition for removal, page 8, number 9,
19 Jerry Moore v. Don Allen, et al., that case is, again, over
20 four years old and involves common-law tort claims, again
21 removed by the plaintiff, not the defendant. So, in
22 addition to failure to comply with the removal statute, it
23 seems that most of this case such as it is doesn't have
24 federal subject matter jurisdiction either.

25 And as a matter of additional flaws, it seems that

1 joinder would also be inappropriate, because none of these
2 cases seem to have anything to do with each other.

3 Ultimately, again I'll reiterate, it's our belief
4 that the only purpose of this removal was to avoid the
5 imposition of costs and fees which defendant Browne, who was
6 dismissed from the underlying action, has now received a
7 judgment for attorneys' fees. And I believe this removal is
8 not only inappropriate, it's frivolous, and the only purpose
9 it serves is to further delay the state court proceeding.

10 On the issue of delay and medical leave, I'd like
11 to point out for the record that if Mr. Rickmyer's statement
12 that medical leave -- Ms. Clark's medical leave ended on
13 January 7th, it's not clear why she would be unable to
14 attend today's hearing, but with that we have nothing
15 further.

16 THE COURT: All right. Mr. Rickmyer?

17 MR. RICKMYER: It's my understanding the purpose
18 for any case to be removed to federal court and the purpose
19 of the federal court is to protect the constitutional rights
20 of the party that's removing it.

21 Ms. Bowman respectfully pointed out to the Court
22 that there's somehow a 30-day rule in there, so Ms. Bowman's
23 presenting to this Court that if after 30 days it becomes
24 apparent that judges are committing judicial misconduct and
25 the defendants are committing fraud upon the court and it's

1 discovered after the 30 days or even before the 30 days, the
2 plaintiff cannot ask the federal court to protect its
3 constitutional rights.

4 In this case -- and I believe that I put it into
5 the main objection -- in this case, Michael Kip Browne, on
6 or at the same time as the attorney filed an *ex parte* motion
7 and received an *ex parte* motion order from Judge Bush.
8 Michael Kip Browne went to the Department of Corrections and
9 got relief from the civil action by denying me the right to
10 access the courts to amend the complaint to survive summary
11 judgment. Now, this was in the 27-CV-10-3378.

12 Now, it's interesting to note that even though
13 that case got removed, noticed to remove, that case did not
14 get sent over here from district court, and I can only guess
15 on several reasons, but I did ask for relief from the court
16 from the *ex parte* order which denied me discovery requests
17 which I was going to use to amend the complaint to survive
18 summary judgment.

19 Now, further, the defendants have *ex parte* access
20 to Fourth Judicial District judges and they've used that
21 access to put forth *ex parte* verbal motions and received
22 *ex parte* orders which was detrimental to me. And it seems
23 to me that the defendants would have a distinct advantage
24 over the plaintiff, me, because of the *ex parte* access they
25 have just by their position.

1 Will McDonald went in representing John Hoff in a
2 civil matter, putting forth a verbal motion and receiving an
3 order to not accept the lawsuit that was served upon him,
4 and Judge Blaeser honored Will McDonald's request.

5 THE COURT: I think -- and I'll hear you out if
6 you'd like me to, but what would really be more helpful to
7 my deciding if this case should be remanded back to state
8 court is if you could tell me why the arguments of the
9 defense aren't correct with regard to whether or not -- I
10 guess you are sort of addressing the 30-day requirement, but
11 there's also not much authority, if any, that this may be
12 removed by a plaintiff rather than a defendant.

13 And then I guess on a more practical level -- and
14 this isn't anything you need to be a lawyer on -- one of the
15 things that's making this case really complicated is that
16 the petition for removal encompasses several matters of very
17 different types, including your own. And I understand
18 you're focusing on that case, but it also says in the
19 petition that it wants to remove an action against Wells
20 Fargo, a matter called Klock vs. Minneapolis, Moore vs.
21 Hoff, et cetera. So --

22 MR. RICKMYER: It's my understanding the only
23 motion to remand is my case.

24 THE COURT: Well, but they're all within one case.
25 It's been filed by your attorney, who you say is your

1 attorney, as a separate petition for removal and there's
2 just one petition for removal, so I'm going to consider
3 their arguments as it relates to everything in that
4 petition.

5 MR. RICKMYER: Well, then I would -- if you're --
6 since I don't represent the other parties --

7 THE COURT: I understand.

8 MR. RICKMYER: -- that I would request this
9 hearing to be suspended and to notice all parties and
10 whether they obtain new attorneys or if they still retain
11 Jill Clark to appear, because they're not being represented
12 at this hearing which you may decide against them, and so I
13 think at this juncture that it might be prudent to halt
14 these proceedings.

15 THE COURT: But their attorney, just like you,
16 they have the same facts and notice that you do. This has
17 been appropriately noticed. The motion was filed back in
18 October, so it isn't any surprise that we're hearing this
19 today, and there is an opportunity to be heard by any
20 parties that wish to just like yourself.

21 MR. RICKMYER: Right. But as you mentioned, it's
22 one petition, and to make a ruling on arguments made by a
23 person that's making a limited appearance *pro se* to the
24 whole petition versus just plaintiff Rickmyer's objections
25 to remand seems to me that -- it just doesn't seem correct.

1 You know, legally it may be done. It just doesn't sound
2 like that should happen.

3 THE COURT: Well, do you understand the problem?
4 If these had been brought as four or five matters,
5 individual cases from state court, then I would agree, but
6 it was your attorney's choice to bring this encompassing
7 multiple cases, so I've got to address it in the same
8 posture as your attorney put it before me. I'm considering
9 your arguments just as they relate to your case that you're
10 involved in, but I have to figure out what I do with the
11 others.

12 MR. RICKMYER: Can I make this suggestion to the
13 Court? Can I make a motion to separate my case from the
14 other cases, so that way the decision that you make upon my
15 case does not affect other cases? Because I'm more
16 concerned about --

17 THE COURT: Their rights.

18 MR. RICKMYER: Yeah. And like I said, it doesn't
19 sound correct that I would be the one that would be
20 representing everyone else when I'm not an attorney. So I
21 would at minimum suggest to separate it out, at least my
22 case versus everyone else's, because the other cases are not
23 actually a motion to remand. It was just my particular case
24 from Julie Bowman.

25 And the one note that I want to make, and clearly,

1 is that part of my argument was that Will McDonald was
2 representing John Hoff and Meg Goodmundson when he went to
3 Judge Blaeser. Now that we're in federal court, that
4 stopped. However, if you look at the motion to remand, the
5 consensus that I get out of that motion is that Julie Bowman
6 prepared the paperwork and then Mr. Godfread and Megan
7 Goodmundson just signed onto it.

8 And so the difference here is that instead of Will
9 McDonald going up to the judge *ex parte* representing John
10 Hoff and Goodmundson, in this case we have Julie Bowman
11 doing some legal work. I don't know what the extent is.
12 I've watched them converse and I saw -- and I don't know to
13 what extent, but it seems to me that at least in this forum,
14 I'm positive that neither Will McDonald or any of the
15 defendants are going to be allowed to put forth to the Court
16 *ex parte* motions or receive *ex parte* orders. And so that's
17 important to me, that Will McDonald's not allowed *ex parte*
18 communication with the Court, or his attorney, or John
19 Hoff's attorney, or John Hoff, or any of the other
20 defendants.

21 The other thing is, Julie Bowman mentioned the
22 30-day rule after an order. Once an order is placed you
23 have 30 days if the order is deemed to be biased or
24 prejudiced or if there was judicial misconduct.

25 Now, within seven days of me filing the objection

1 and accusing defendant Schooler committing fraud upon the
2 court by lying to Fourth Judicial District judges about me,
3 Judge Bush signed an order awarding Michael Kip Browne
4 \$20,000.

5 THE COURT: Okay. Again, we're kind of getting, I
6 think, into the merits of your case. The only issue that
7 I'm going to be dealing with today, Mr. Rickmyer, is whether
8 these cases belong in federal court or not, not anything
9 with regard to the merits of your case.

10 MR. RICKMYER: I was addressing the 30-day rule
11 that Julie Bowman brought up.

12 THE COURT: All right.

13 MR. RICKMYER: Judge Bush's order is within 30
14 days of today. Judge Bush did a quiet title order because
15 the case was removed to federal court.

16 Now, getting back to why it should be removed
17 here. I was just kind of filling in the blanks.

18 Now, Judge Bush signed an *ex parte* order which was
19 detrimental to the plaintiff. When I requested the court
20 for relief, the court refused.

21 Now, Judge Blaeser recused himself from the 10
22 case because of judicial conduct I had accused him of. In
23 the policy with the Hennepin County bench, the buddy
24 judge -- when a judge recuses himself, the buddy judge also
25 recuses himself.

1 In this case, Judge Bush is Judge Blaeser's buddy
2 judge. And in light of Judge Bush signing the *ex parte*
3 order and the court not giving me relief, at minimum Judge
4 Bush should have recused himself from the cases as soon as
5 he was assigned the 10 case on the administrative level, and
6 it goes to bias and they're willing to do anything that it
7 takes.

8 So, basically the defendants have tried to silence
9 me because their organization, Jordan Area Community
10 Council, has a long history of blatantly disrespecting
11 persons with disabilities by intentionally violating the
12 Americans with Disabilities Act, and that -- and that's
13 Michael Browne's organization, and their tenant is Hennepin
14 County Department of Corrections.

15 So, what happened is that Michael Browne or a
16 representative went to their tenant, Hennepin County
17 Department of Corrections, and said: Don't let him amend
18 the complaint. Don't let him file anymore. We have a
19 summary judgment and we want him to lose because we do not
20 want to adhere to the Americans with Disabilities Act. We
21 want to discriminate.

22 And so as Your Honor noticed, that Hennepin County
23 Department of Corrections is in violation of Title III, ADA,
24 by renting from Jordan Area Community Council 2539 Irving
25 illegally. It violates --

1 THE COURT: Again, I'm having a little trouble
2 understanding how all of these statements relate to whether
3 the case should be remanded to state court.

4 MR. RICKMYER: Well, basically that they got
5 relief from their tenants to deny me access to the court by
6 not allowing me to amend the complaint in the 10 case to
7 survive summary judgment.

8 THE COURT: Because if you'd been allowed to amend
9 the complaint, you'd be within the 30-day rule; is that what
10 you're --

11 MR. RICKMYER: No, I would have survived summary
12 judgment in state court. And the state court, now looking
13 at everything that I received up to today, now I know that
14 there was judicial misconduct in communication with JACC's
15 tenant, Hennepin County Department of Corrections, not only
16 to deny me the right to amend the complaint, but to silence
17 me by making me a frivolous litigant.

18 And the reason why I say that is that a party can
19 lose a lawsuit. It doesn't make that person frivolous in
20 any sense. And in this case, the reason why I lost the
21 lawsuit is because Michael Kip Browne, an attorney with the
22 Civil Rights Department, committed fraud upon the court by
23 omissions, by going to his tenants -- I'm not -- I'm sorry.
24 I've gone afar. I certainly apologize for this.

25 Basically what I'm saying is that if I understand

1 Ms. Bowman's argument, she's saying that she hasn't denied
2 the allegations of the judicial misconduct, she hasn't
3 denied the fraud upon the court --

4 THE COURT: Well, how I read what she's saying is
5 that she's not going to discuss the merits. She's saying I
6 should remand them because plaintiffs don't have the right
7 to remove and that even if they did it wasn't done within 30
8 days, and that there's mishmash of things here that tries to
9 remove several cases at once, and that's the way I'm going
10 to be analyzing the case, not on the merits or anything with
11 regard to things that have happened procedurally in Hennepin
12 County.

13 MR. RICKMYER: Right. If I could finish this
14 thought, what I was trying to say is that -- if I understand
15 Julie Bowman's argument -- is that she's saying that because
16 of the judicial misconduct and because of her client's
17 representing Hoff and stuff like that, that because I didn't
18 discover it or the motion wasn't done within 30 days of the
19 order, of any order -- I believe the notice can be done on
20 any order which is produced. The notice of removal must be
21 done within 30 days of the order, which is done because of
22 bias, prejudice and judicial misconduct. And what I'm
23 saying is that Judge Bush's order ordering Michael Kip
24 Browne's award of \$20,000 is the following.

25 Michael Kip Browne, because you went to your

1 tenant and committed fraud upon the court and then you went
2 to Judge Blaeser and got an *ex parte* order, and because I'm
3 supposed to remove myself from the case because Judge
4 Blaeser recused himself, but I'm not, and because plaintiff
5 Rickmyer filed an objection accusing me of judicial
6 misconduct, I'm going to reward you for your conduct and
7 award you \$20,000.

8 Now, what I'm saying is that the order awarding
9 Michael Kip Browne \$20,000 after Judge Bush was supposed to
10 recuse himself shows bias in itself. That order was done in
11 mid-September -- I mean mid-December -- excuse me -- last
12 month. That bias, the prejudice, and why it should be
13 removed to federal court is just because if you remand it
14 back to state court, the defendants can trample on my
15 constitutional rights. The state courts have shown that
16 they will not protect my constitutional rights.

17 Now -- and I really want to emphasize this point:
18 The only person that has stood up to Attorney Godfread's
19 client, John Hoff, and told him no, we're not going to
20 violate plaintiff Rickmyer's constitutional rights. He has
21 an absolute right to do this and we're not going to violate
22 that. John Hoff attempted to intimidate and did intimidate,
23 harass and bullied my parole agent, Bobbie Chevalier-Jones,
24 for approximately six months until she feared for her
25 family's life.

1 THE COURT: Okay. Again, I'm having a little
2 trouble understanding how these relate specifically to the
3 motion to remand. I understand that you really want to
4 argue your case on the merits, but --

5 MR. RICKMYER: Well, no, I'm trying to illustrate
6 why it should stay here, and the reason is that the County
7 Attorney's Office should have been working on behalf of
8 Bobby Chevalier-Jones against Godfread's client, John Hoff,
9 so Parole Agent Jones would not be harassed.

10 And what I'm saying is that in the state courts
11 right now, there's no chance that my constitutional rights
12 will be protected, and I'm seeking this Court to stand up
13 and say, you know, even though it's -- even if you give
14 Bowman's argument credibility, that it's been over 30 days
15 since the last order that was produced in the 11 case, even
16 though it wasn't -- there was a quiet title done that I
17 supplied documents about within the last 30 days -- that
18 Bowman's saying that because I'm the plaintiff, that the
19 Fourth Judicial District can commit judicial misconduct, can
20 be biased against you, and you have no constitutional right
21 to be protected by removing it to federal court. That's
22 what she's telling the judge, and I'm saying wait a second.
23 That doesn't sound correct. The purpose of this Court is to
24 protect the United States constitutional rights of every
25 citizen, and that includes John Hoff and Will McDonald and

1 Mr. Godfread and Ms. Bowman. It protects everyone.

2 And when a -- when the Fourth Judicial District is
3 prejudiced -- as noted in the main objection, Fourth
4 Judicial District staff attempted to trespass me out of the
5 building when I did nothing wrong. The purpose of that was
6 to again silence me because I had -- because I had filed a
7 removal of Zimmerman.

8 And the same three judges, Zimmerman, Blaeser and
9 Bush, were involved in the Stepnes case, which you have a
10 copy of, where Judge Zimmerman ruled that the company wasn't
11 a real LLC or wasn't a real company listed with the
12 Secretary of State and suggested to Blaeser to do an order
13 to show cause.

14 And what happens -- and what I've noticed is that
15 what happens is that when Judge Blaeser wants to do
16 something that appears to be incorrect or against someone's
17 constitutional rights, he has his buddy judge sign the
18 order, and so that's what happened in the Stepnes case and I
19 believe that's what happened in my case. Judge Blaeser made
20 an agreement or talked with someone. I believe it was David
21 James, who was the attorney representing JACC at the time.
22 And so when James went over there with the *ex parte* motion,
23 but he represented to Bush that I was actually noticed,
24 which I wasn't, and James admitted that I was not noticed on
25 it, that Judge Bush signed it.

1 And I'm just asking this Court to not remand it
2 back to the state courts. I'm asking this Court to protect
3 my constitutional rights.

4 Thank you.

5 THE COURT: And have I given you an adequate
6 opportunity to say what you think is important about the
7 motion to remand?

8 MR. RICKMYER: Well, I think that to send this
9 case, or send the 10 case -- just one second.

10 Now, the 10 case, which we spent some time on, was
11 also removed on the notice of removal on page 8, paragraph
12 9. With Your Honor's permission --

13 THE COURT: I don't think we need to do that. We
14 all have the thing. I'm not going to --

15 MR. RICKMYER: No, no. This is something else.

16 THE COURT: Not new matters --

17 MR. RICKMYER: No, no. It's not a new matter.
18 It's the 10 case, even though it's noticed to remove, and
19 the 11 case was removed. The 10 case, where Judge Bush
20 actually committed judicial misconduct and most of the bad
21 acts that were done, was not removed. The file was not
22 transferred over here. And the problem that I see there is
23 that Judge Bush knows what he did in this case was wrong.

24 And if this Court wants to send it back, I don't
25 have the technical knowledge to say, hey, you know, because

1 of this law, this law and this law it shouldn't be done.
2 But just using common sense and logic, to grant defendant
3 McDonald's motion and defendant Hoff's motion and
4 Goodmundson's motion, if you grant it, you're basically
5 saying: You know what? It's okay if Fourth Judicial
6 District judges commit judicial misconduct and it's okay for
7 the defendants to commit fraud upon the court, because we're
8 not going to protect plaintiff Rickmyer's constitutional
9 rights because Plaintiff doesn't have the technical right to
10 remove it to federal court. However, I disagree with that.

11 And even if the law doesn't say -- doesn't
12 specifically state that you can keep jurisdiction over this,
13 that I would have to say the U.S. Constitution allows you to
14 retain jurisdiction, because I believe I've given you ample
15 evidence, documented evidence, of the judicial misconduct
16 and fraud upon the court by the defendants. And that
17 because of the purpose of federal court is to protect the
18 constitutional rights of everyone, including the plaintiff,
19 that I believe you can still retain jurisdiction even if you
20 buy into Ms. Bowman's argument that, hey, it doesn't matter
21 if the judges are biased and prejudiced and committed
22 judicial misconduct against Plaintiff, and it doesn't matter
23 if the judges allow Will McDonald to put forth *ex parte*
24 motions and receive *ex parte* orders from the judges. We
25 still want you to remand it back to state court, because you

1 know what? We can win each and every motion that we put
2 forth to the state court. We don't want it in federal court
3 because you're going to protect the plaintiff's
4 constitutional rights, including not allowing the defendants
5 to have *ex parte* communication with the court.

6 Thank you.

7 THE COURT: Do the defendants feel I have the
8 appropriate arguments before the Court with regard to their
9 motions to remand or do they desire to supplement those by
10 way of any rebuttal?

11 MS. BOWMAN: I don't believe so, Your Honor, not
12 on my behalf.

13 THE COURT: Mr. Godfread?

14 MR. GODFREAD: No, Your Honor.

15 THE COURT: Well, I have had a full opportunity to
16 consider the pleadings which are filed here in federal
17 court, Docket Number 12-2621, which was initiated by the
18 filing of a petition for removal, and I am prepared to rule
19 on that. I think despite the number of different issues
20 raised of many types, that the issues before the Court today
21 are relatively straightforward.

22 As a threshold or preliminary issue somewhat
23 raised by the arguments today is the question of whether the
24 motion today, the motion to remand, is appropriately before
25 the Court and ready for ruling. There's been some

1 discussion with regard to Ms. Clark's position on it.

2 Clearly by Mr. Rickmyer's statements today and the pleadings
3 filed, she remains as counsel for all of the named
4 plaintiffs in the various actions that are encompassed by
5 the petition for removal.

6 This particular file does not include any request
7 by Ms. Clark with regard to her medical status other than
8 matters that are not of record. As to whatever medical
9 status she is on or medical leave expired on some date in
10 January or not, the record will reflect that this Court did
11 not receive any motion for any accommodation, to be heard by
12 way of telephone or to be heard on the pleadings that were
13 submitted which the Court would have accommodated if it had
14 been requested.

15 I also feel that given the straightforwardness of
16 the intended ruling today that further argument or the
17 presence of Ms. Clark in person to further the positions
18 taken by herself in the matters already of record or as
19 argued by Mr. Rickmyer today is not in any way prejudicial
20 to the rights of her clients.

21 The issue then, since I have decided that it is
22 appropriately before the Court, is whether or not the case
23 should be remanded to state court, Hennepin County, from
24 whence it came.

25 Focusing upon the petition for removal itself,

1 that is, the document that instigated this matter and gave
2 life to it in federal court, the petition is 14 pages, which
3 encompasses at least four, if not more, state court actions
4 in Hennepin County. One would be Clark's action against
5 Wells Fargo, which is discussed in there, clearly
6 Mr. Rickmyer's action as we've heard about today, which
7 encompasses various defendants, including Mr. Hoff,
8 Ms. Goodmundson and Will McDonald. There is also an
9 additional case of Klock vs. Minneapolis, as well as Moore
10 vs. Allen, Hoff, et cetera. There may be other cases
11 mentioned as well.

12 As I think the record today will reflect, the fact
13 that there are so many things encompassed in different cases
14 has created procedural as well as substantive issues.
15 Mr. Rickmyer has been appropriately careful to make sure his
16 remarks apply only to his case and I understand and accept
17 he does not wish to prejudice any of the other individuals
18 or clients of Ms. Clark whose cases may be mentioned in that
19 case.

20 As the defendants have argued, there are several
21 issues with regard to this Court's jurisdiction and
22 procedural irregularities. One of those, as I've already
23 spoken about, is the fact that there is no legal support
24 that the Court is aware of or has been brought to my
25 attention with regard to whether or not a plaintiff has the

1 right to remove a case from state court to federal court.

2 That is something that typically applies only to defendants.

3 We also have the issue that we've discussed with
4 regard to the 30 days. And as I think Mr. Rickmyer's
5 arguments indicate, it's really hard under the
6 all-encompassing and broad cases brought to figure out which
7 case we're talking about and 30 days as to which case or
8 when because there's so much encompassed by this complaint.
9 It would be a much easier task for the Court to analyze
10 federal jurisdiction if they were brought individually, each
11 separate case were brought individually. Then we would not
12 have to deal with the triggering event or when the 30 days
13 runs with regard to each case.

14 So, in essence, the petition for removal is just
15 too broad, encompasses way too much for it to be a single
16 federal case as it's currently styled. Therefore, I'm going
17 to grant the motion to remand. Everything encompassed
18 within the petition for removal is remanded to federal
19 court. That makes moot the motion to consolidate because
20 it's back in federal court.

21 I'll give you an opportunity when I'm done. I
22 have several more things I want to say about the case and
23 I've given you a real adequate opportunity to state your
24 position.

25 Another illustration of the impossible task before

1 the Court is, for example, Mr. Rickmyer has I assume what is
2 his motion for *in forma pauperis* status filed with the
3 Court. It's a little hard to determine if that is yours
4 since I can't read the signature, but I take it that it is
5 in fact yours. The signature is totally illegible. But
6 it's mooted out by the fact that I am remanding these cases
7 back to state court in any event.

8 So, the cases are remanded. This file, that is,
9 the entire court file 12-2621 will be closed. The cases are
10 remanded.

11 Now, they need to be reanalyzed individually, and
12 I am not opining in any way, shape or form as to whether or
13 not if they were individually brought they might survive
14 some attempt to bring them in federal court by some other
15 vehicle. I have serious doubts as to whether a removal is
16 appropriate and also with regard to timeliness. But if any
17 of the plaintiffs, Mr. Rickmyer or any of the other
18 plaintiffs, thought they had an appropriate vehicle to bring
19 them in federal court, that should be carefully reconsidered
20 before any attempt to bring these in federal court.

21 I am not opining either, as Mr. Rickmyer
22 suggested, in any way as to issues with regard to judicial
23 misconduct or constitutional rights. This is a procedural
24 ruling on the current petition for removal encompassing, as
25 it does, many different and sundry causes of action which

1 have no common denominator that the Court can discern in any
2 fashion. Some of them are harassment cases, some of them
3 with regard to issues raised with regard to a foreclosure.
4 There is no common denominator and no reason for those
5 matters to be joined.

6 So, at this juncture, the Court does rule that the
7 motion to remand all matters encompassed within the petition
8 for removal is granted.

9 Now, did you have a question, Mr. Rickmyer?

10 MR. RICKMYER: Yes. I'd like some
11 clarification -- well, questions to the Court, if that's
12 okay.

13 The clarification that I'd like to know is, what
14 you're saying is that you're remanding back the whole file
15 and that if an attorney reviews the individual file and
16 wishes to notice to remove, it can be done and the Court
17 will take a look at the individual removal, but will not
18 look at the --

19 THE COURT: I'm saying simply that this motion or
20 petition for removal of all of those cases is an improper
21 instrument and does not raise sufficient questions of
22 federal jurisdiction to allow the case to proceed, so I'm
23 remanding it to state court. If there's any chance at
24 all -- and I'm not saying that there is. Don't read into
25 this the fact that I'm saying if you just bring it

1 individually then it will survive. No, there's very serious
2 problems, some raised in court today. Do you have a right
3 to remove? And if you could somehow get to that -- I'm not
4 sure you could get to that -- then there's also the issue of
5 30 days.

6 So, I am not making any declaration that if
7 they're individually brought they're appropriately here, but
8 they certainly are not acceptable in the form that they've
9 been brought and for that reason it cannot go forward.
10 There's no way for the Court given the status of the removal
11 to carve out. It's all interspersed amongst each other.
12 It's entirely inappropriate for federal consideration given
13 the posture in which it was presented to the Court. Beyond
14 that I'm not going to say anything further.

15 MR. RICKMYER: I'm sorry. Let me back up one step
16 and I apologize.

17 What I hear you saying is that you are not making
18 any judgment today whether or not my individual case had
19 merit or not to have it removed. What you're saying is that
20 the petition to remove all the cases together as it was
21 presented to the Court was inappropriate and that's why
22 you're remanding it back to state court.

23 THE COURT: I think that's largely what I'm
24 saying. That's principally correct, but I'm not -- I want
25 to reiterate. I'm not saying if individually brought it

1 could survive here. That's not an issue that I'm deciding
2 today.

3 Okay. Do the defendants have any questions about
4 the ruling?

5 MS. BOWMAN: No, Your Honor. I just want to
6 clarify.

7 At one point during your ruling you indicated that
8 you were going to remand the cases back to federal court. I
9 just want to clarify that it was back to state court.

10 THE COURT: It was removed to federal court,
11 remanded to state court.

12 MS. BOWMAN: Thank you, Your Honor.

13 THE COURT: Anything further?

14 MR. RICKMYER: Thank you, Your Honor.

15 THE COURT: Court will be in recess.

16 (Proceedings concluded at 10:30 a.m.)

17 * * * * *

C E R T I F I C A T E

I, **TIMOTHY J. WILLETTE**, Official Court Reporter
for the United States District Court, do hereby
certify that the foregoing pages are a true and
accurate transcription of my shorthand notes,
taken in the aforementioned matter, to the best
of my skill and ability.

/s/ Timothy J. Willette

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